

REMARKS

Claims 17-24 remain pending in the application. New Claims 25-31 have been presented for consideration. Reconsideration of the rejections set forth in the aforementioned Office Action is respectfully requested in view of the above amendments, new claims and following remarks. The basis for these amendments and new claims can be found throughout the specification, claims and drawings as originally filed.

ALLOWABLE SUBJECT MATTER

Claims 18-21 and 24 stand objected to as "being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." New Claim 25 corresponds to Claim 18 rewritten in independent form. New Claims 26-31 depend from independent new Claim 25. Accordingly, new Claims 25-31 should be in condition for allowance.

OBJECTION TO SPECIFICATION

The specification stands objected to because of various informalities. Applicants respectfully submit that the specification has been amended in order to correct the stated informalities. Accordingly, Applicants respectfully request that the Examiner enter these amendments to the specification and withdraw the objection to the specification.

DOUBLE PATENTING REJECTION

Claims 17 and 22-23 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 17 and 22-23 of copending Application No. 10/034,593. Applicants respectfully traverse this rejection.

The Examiner alleges that the "application '593 discloses a high-pressure gas source and a fluid source being mixed together in a mixer to form a high-pressure fluid source. . . . This is a provisional obviousness-type double patenting rejection." While Applicants disagree with the Examiner's allegation, in the interest of expediting prosecution of the present application, and without prejudice, Applicants respectfully submit herewith an executed Terminal Disclaimer in compliance with 37 C.F.R. 1.321, along with the appropriate filing fee set forth in 37 C.F.R. 1.20(d), since the cited application and the present application are commonly owned. Applicants thereby respectfully request that the Examiner reconsider and withdraw his double patenting rejection.

CONCLUSION

All the stated grounds of rejection have been properly traversed, accommodated or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this application, he is invited to contact the undersigned at his earliest convenience.

Respectfully submitted,

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By: 

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Enclosure